



FOR IMMEDIATE RELEASE
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District of Arizona*

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TWO TUCSON MEN INDICTED FOR FAILURE TO REGISTER AS CONVICTED SEX OFFENDERS UNDER ADAM WALSH ACT

TUCSON – On January 10, 2007, a federal grand jury in Tucson returned two separate indictments against Lee Benedict Segundo, 44, and Davis Frances Eleando, 39, for failure to register as convicted sex offenders and escape from custody.

The separate indictments allege that both Segundo and Eleando absconded from the custody of half-way houses in Tucson, where they were required to stay after being released from federal prison as a condition of supervised release. Both had previously been convicted in unrelated cases in federal court as sex offenders and were required to register as sex offenders and to provide notification to the local county of any change in residence. When the two absconded from the halfway house in September and October, 2006, respectively, they did not update their registration as sex offenders within three days as required under the newly enacted federal Adam Walsh Child Protection and Safety Act of 2006, signed by President Bush in July, 2006.

The Adam Walsh Child Protection and Safety Act of 2006 provides stringent federal requirements for registration and notification by federal sex offenders. Specifically, the Adam Walsh Act expands the definition of “sex offense” and increases penalties for offenders who fail to comply with registration requirements. It also provides for federal prosecution of persons who had a federal sex offense felony prior and fail to register or update their registration with 72 hours of changing their residence. These two indictments are the first federal prosecutions under these provisions of the Adam Walsh Act in the District of Arizona.

A conviction for failure to register or update registration as a sex offender under the Adam Walsh Act carries a maximum penalty of 10 years, a \$ 250,000 fine or both. A conviction for escape from custody carries a maximum penalty of 5 years, a \$ 250,000 fine or both. In determining an actual sentence, the judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the United State Marshal’s Service. The prosecution is being handled by David Paul Flannigan, Assistant U.S. Attorney, District of Arizona, Tucson.

CASE NUMBERS: CR-07-0082 (Segundo) and CR-07-0083 (Eleando)
RELEASE NUMBER: 2007-010(Segundo/Eleando)

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